2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5 (Cooperation in the peaceful uses of nuclear energy)

Working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence that is a precondition for those uses. The Conference expresses the view that, for the purposes of article IV of the Treaty, "nuclear energy" embraces both power and non-power applications. By aiming to ensure that nuclear materials and facilities do not contribute to nuclear proliferation, the Treaty creates the necessary environment for technological transfer and cooperation.

2. Nothing in the Treaty shall be interpreted as affecting the inalienable right of all the States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. States may choose individually not to exercise all their rights, or to exercise those rights collectively.

3. While maintaining an overall commitment to article IV of the Treaty, the Conference regards universal adherence to and compliance with the non-proliferation and verification requirements of the Treaty as a precondition for cooperation in the peaceful uses of nuclear energy. In this regard, universal adherence to the Additional Protocol to safeguard agreements is a requirement for a stable, open and transparent international security environment in which peaceful nuclear cooperation can take place.

4. The Conference considers that States parties should not engage in active nuclear cooperation with those States parties that are in non-compliance with the terms of their safeguard agreements with IAEA, as established by the IAEA Board of Governors. The Conference urges States parties to limit such cooperation to States that are in compliance with their obligations in this respect.

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5. All States parties to the Treaty have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services, and scientific and technological information for the peaceful uses of nuclear energy in a safe and secure environment. The Conference notes the contribution that such uses can make to progress in general.

6. In all activities designed to facilitate the peaceful uses of nuclear energy, the Conference affirms that an INFCIRC/153 (Corrected) Safeguards Agreement, together with an Additional Protocol (INFCIRC/540 (Corrected)), represent the Agency's safeguards system pursuant to article III.1 of the Treaty.

7. The Conference underlines the essential role of IAEA in assisting developing States parties in the peaceful use of nuclear energy through the development of effective programmes aimed at improving their scientific, technological and regulatory capabilities.

8. The Conference commends the IAEA secretariat for its efforts to enhance the effectiveness and efficiency of the Agency's technical cooperation programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient IAEA member States. In this context, the Conference stresses the importance of technical cooperation in the current IAEA medium-term strategy, which seeks to promote major priorities of each country through model project standards and expanded use of country programme frameworks and thematic plans, as well as through ensuring Government commitment as a prerequisite for such cooperation. The Conference recommends that IAEA continue taking this objective and the needs of developing countries, notably least developed countries, into account when planning its future activities.

9. Technical cooperation activities can be properly assured in the long term only when the financial requirements for all statutory activities of IAEA are fully met. The Conference stresses the importance of IAEA resources for technical cooperation activities being assured, predictable and sufficient to meet objectives mandated by article IV, paragraph 2, of the Treaty and article II of the IAEA statute. It urges IAEA member States to make every effort to contribute to the Agency's Technical Cooperation Fund, as well as to honour their obligations to pay their assessed programme costs, as well as their national participation costs.